

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

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| DAR file no: | | Date filed: | 7-2-2007 |
| Utah Admin. Code ref. (R no.): | R156-55a | Time filed: | |
| Changed to Admin. Code Ref. (R no.): | | | |

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|----|---------------------------|--|--------------|-------------------|
| 1. | Agency: | Commerce/Division of Occupational and Professional Licensing | | |
| | Room no.: | | | |
| | Building: | Heber M. Wells Building | | |
| | Street address 1: | 160 East 300 South | | |
| | Street address 2: | | | |
| | City, state, zip: | Salt Lake City UT 84111-2316 | | |
| | Mailing address 1: | PO Box 146741 | | |
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| | City, state, zip: | Salt Lake City UT 84114-6741 | | |
| | Contact person(s): | | | |
| | Name: | Phone: | Fax: | E-mail: |
| | Dennis Meservy | 801-530-6375 | 801-530-6511 | dmeservy@utah.gov |
| | | | | |

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

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| 2. | Title of rule or section (catchline): |
| | Utah Construction Trades Licensing Act Rules |
| 3. | Type of notice: |
| | New ___; Amendment XX; Repeal ___; Repeal and Reenact ___ |
| 4. | Purpose of the rule or reason for the change: |
| | The Division and the Construction Services Commission have recently reviewed this rule and are proposing amendments to update the rule to reflect changes in the construction industry and to update statute citations throughout the rule. Also, amendments were made to Title 58, Chapter 55 in SB 255 passed during the 2007 Legislative Session with respect to crane operators. |
| 5. | This change is a response to comments from the Administrative Rules Review Committee. |
| | Yes ___; No XX |
| 6. | Summary of the rule change: |

Throughout the rule, amendments are being proposed to change the rule from plural to singular. Section 102-Definitions: The definition of an "employee" is changed to include working for a licensed contractor or the substantial equivalent of a licensed contractor as determined by the division. This change is needed to be in compliance with current language used in the experience requirements under R156-55a-302b. The definition of "incidental" has also been changed to not exceed ten percent of an overall contract. The current definition of "incidental" is vague. There is no documentation, but the understanding is that years ago through an appeal process a court defined incidental work as thirty percent. It has been determined that this is too high a percentage and ten percent is a more realistic figure. Section 301-License Classifications/Scope of Practice: Changes in this section create new license classifications, eliminate some license classifications and change existing language to various license classifications as follows. **New License Classifications:** B200-Modular Unit Installation Contractor. Modular built units are very similar to manufactured housing built units that are installed by R200 Factory Built Housing Set Up contractors. Modular units, however, are required to meet local building standards and manufactured housing units are required to meet federal building standards. Modular units are being installed by R200 contractors until it was determined this work was outside the scope of their classification. A R200 contractor, with this new B200 classification, would be able to install modular units without having to meet the qualifications of a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor. S202 Solar Photovoltaic Contractor. The previous S215 Solar Energy Systems Contractor license classification is in a sub-classification of the S210 General Plumbing Contractor classification. The S202 license classification makes it clear that solar power installation work has expanded beyond using solar energy to produce hot water. Electricity produced by solar energy used to be considered non-hazardous, but this is no longer the case. Those currently licensed and doing this type of work, after making application, would be grandfathered into this new S202 classification. S222 Overhead and Garage Door Contractor. The addition of this license classifications means that those that install overhead or garage doors would no longer have to be licensed as S220 Carpentry Contractors. This is the same license classification as those that frame residential and commercial type structures. S600 General Stucco Contractor. Due to the problems and expense associated with the improper application of stucco, it was determined that stucco needed to be in a separate license classification. Those currently doing stucco work as S270 General Drywall, Stucco and Plastering and S271 Plastering and Stucco contractors, after making application, would be grandfathered into this new S600 classification. S700 Specialty License Contractor. The S700 license classification would limit the contractor under this license classification to a specialized area of construction. Currently those who have a specialty trade often find themselves taking a test and being placed in a license category that has little to do with their trade. **License Classifications Eliminated:** S271 Plastering and Stucco Contractor and S274 Drywall Contractor. These two license classifications would be combined into the S270 General Drywall and Plastering Contractor license classification. Stucco work would be handled under the new S600 General Stucco Contractor classification. S281 Single Ply and Specialty Coating Contractor, S282 Build up Roofing Contractor, S283 Shingle and Shake Roofing Contractor, S284 Tile Roofing Contractor and S285 Metal Roofing Contractor. These license classifications will be combined into the S280 General Roofing Contractor classification. **License Classifications Changes:** R101 Residential and Small Commercial Non Structural Remodeling and Repair. The total value of the project that could be completed under this license classification would be increased from less than \$25,000 to less than \$50,000. There has not been an increase in the value amount for more than fifteen years. R200 Factory Built Housing Contractor. This license classification used to be titled Factory Built Housing Set Up. Additional clarification language added to this license classification include "disconnection" and "or removal". I102 General Building Trades Instructor. Subsection 58-55-102(28) is added to this license classification and refers to the R100 Residential and Small Commercial Contractor license classification. Instructors for the most part are involved in the construction of residential structures with their students. This change makes it clear that an instructor can obtain this license classification if he or she is licensed as either a general building contractor or a residential and small commercial contractor. This change reflects present practice. S214 Water Conditioning and Potable Water Heater Equipment Contractor. This license classification used to be titled Water Conditioning Equipment Contractor. This change in language is for clarification and reflects present practice that those with this license classification can install potable hot water heaters. S215 Solar Thermal Systems Contractor. This license classification is a sub-classification of General Plumbing Contractor and used to be titled Solar Energy Systems Contractor. The change in language makes it clear that this license classification only applies to solar thermal systems and not to solar photovoltaic systems. **Summary continued on attachment.**

7. **Aggregate anticipated cost or savings to:**

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| | <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$200 to reprint the rule once the proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget. As a result of the statutory amendment regarding citation authority involving contractors, there may be a positive fiscal impact to the state budget through fines for crane operators found working without certification. Those who operate cranes without proper certification would face administrative fines of \$500 for a first offense and \$1,000 for a second offense. However, the Division is unable to determine how many citations may be issued for crane operators working without proper certification.</p> <p>B) Local government:</p> <p>The proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. The proposed amendments only apply to licensed contractors and persons or companies applying for licensure as a contractor in Utah.</p> <p>C) Small businesses (fewer than 50 employees) AND persons other than businesses:</p> <p>The following comments apply to both small businesses and persons other than businesses: The Division anticipates there should be no negative impact to the public as a result of the proposed changes. With the changes made to the carpentry and roofing classifications, the public should receive a better product. With the changes made to the other license classifications, the public should also have a better understanding of the type of work that can be done by a licensed contractor. The clarification of incidental work to ten percent of the overall contract would affect an unknown number of contractors; however, it is assumed that the vast majority of contractors are already in compliance with this rule change. Those who operate cranes without proper certification would face administrative fine as mentioned above under "State Budget", but such impact results from statutory amendments and not this rule filing. For a S220 Carpentry license classification, the work experience will increase from two years to four years. However, it is not clear to the Division how many new applicants for licensure could be affected and so it is difficult to determine an aggregate increased cost to the industry as a result of this change. Also, due to varying factors related to obtaining work experience, the Division is unable to determine a cost figure involved in obtaining the additional two years of work experience. Due to the elimination of S271 Plastering and Stucco Contractor and S274 Drywall Contractor license classifications and conversion of S270 General Drywall and Plastering Contractor and S600 General Stucco Contractor license classifications, new applicants for licensure to do plastering and stucco would pay more for licensure than those in the past that held S271 and S274 classifications as follows: (1) they will need to take tests for the S270 and S600 classifications at approximately \$79 each; and (2) if they do both plastering and stucco, they will need to obtain separate S600 and S270 license classifications which would cost an additional \$110 for the additional classification. The Division is not able to determine how many new applicants for licensure are affected by this change and so it is difficult to determine an aggregate increased cost to the industry. Due to the elimination of S281 Single Ply and Specialty Coating, S282 Build Up Roofing, S283 Shingle and Shake Roofing, S284 Tile Roofing and S285 Metal Roofing license classifications and conversion into the S280 General Roofing Contractor license classification, new applicants for licensure to do roofing work would have to have four years of experience, as opposed to two years for the eliminated classifications, and take an examination at the cost of approximately \$79. The examination was not required for the S281, S282, S284 and S285 classifications. The Division is unable to determine how many new applicants for licensure are affected by this change and so it is difficult to determine an aggregate increased cost to the industry. Also, due to varying factors related to obtaining work experience, the Division is unable to determine a cost figure involved in obtaining the additional two years of work experience. To become licensed as a S202 Solar Photovoltaic Contractor, current certification from the North American Board of Certified Energy Practitioners is required. The cost to make application and take the examination required for certification is currently \$300. The Division is unable to determine how many new applicants for licensure are affected by this change and so it is difficult to determine an aggregate increased cost to the industry for this license classification.</p> |
| 8. | <p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> |

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|--|--|---|------------|--|--|------------|---|--|--|-------------------------|-------------------|--------------------|------------|---------|---|--|--|--|--|--|--|
| | <p>Those who operate cranes without proper certification would face administrative fine as mentioned above under "State Budget", but such impact results from statutory amendments and not this rule filing. For a S220 Carpentry license classification, the work experience will increase from two years to four years. Due to varying factors related to obtaining work experience, the Division is unable to determine a cost figure involved in obtaining the additional two years of work experience. Due to the elimination of S271 Plastering and Stucco Contractor and S274 Drywall Contractor license classifications and conversion of S270 General Drywall and Plastering Contractor and S600 General Stucco Contractor license classifications, new applicants for licensure to do plastering and stucco would pay more for licensure than those in the past that held S271 and S274 classifications as follows: (1) they will need to take tests for the S270 and S600 classifications at approximately \$79 each; and (2) if they do both plastering and stucco, they will need to obtain separate S600 and S270 license classifications which would cost an additional \$110 for the additional classification. Due to the elimination of S281 Single Ply and Specialty Coating, S282 Build Up Roofing, S283 Shingle and Shake Roofing, S284 Tile Roofing and S285 Metal Roofing license classifications and conversion into the S280 General Roofing Contractor license classification, new applicants for licensure to do roofing work would have to have four years of experience, as opposed to two years for the eliminated classifications, and take an examination at the cost of approximately \$79. The examination was not required for the S281, S282, S284 and S285 classifications. Due to varying factors related to obtaining work experience, the Division is unable to determine a cost figure involved in obtaining the additional two years of work experience for a S280 classification. To become licensed as a S202 Solar Photovoltaic Contractor, current certification from the North American Board of Certified Energy Practitioners is required. The cost to make application and take the examination required for certification is currently \$300.</p> | | | | | | | | | | | | | | | | | | | | |
| 9. | <p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This rule filing includes amendments intended to update the rule to the current construction industry standards and to clarify existing procedures. The changes in contractor licensing classifications are not expected to create any costs to current licensees, because transition clauses have been provided. It is not clear how many future applicants might be affected by these classification changes that might require more experience or testing that was not required for license applicants in the past, so it is difficult to determine any costs to the industry. It is expected that both the public and the industry will benefit from the clarifying amendments, but the amount of the benefit is difficult to ascertain. No further fiscal impact to businesses is anticipated beyond those addressed in this rule filing. Francine A. Giani, Executive Director.</p> | | | | | | | | | | | | | | | | | | | | |
| 10. | <p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</p> <p>State code or constitution citations (required):</p> <p>Section 58-55-101 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-55-308(1), 58-55-102(35), 58-55-501(21)</p> | | | | | | | | | | | | | | | | | | | | |
| 11. | <p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p> | | | | | | | | | | | | | | | | | | | | |
| 12. | <p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p> <table border="1"> <tr> <td colspan="2">A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</td> <td>08/31/2007</td> </tr> <tr> <td colspan="3">B) A public hearing (optional) will be held:</td> </tr> <tr> <td>on (mm/dd/yyyy):</td> <td>at (time):</td> <td>At (place):</td> </tr> <tr> <td>08/29/2007</td> <td>9:00 am</td> <td>160 East 300 South - Conference Room 474 - Salt Lake City, Utah</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table> | | | A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): | | 08/31/2007 | B) A public hearing (optional) will be held: | | | on (mm/dd/yyyy): | at (time): | At (place): | 08/29/2007 | 9:00 am | 160 East 300 South - Conference Room 474 - Salt Lake City, Utah | | | | | | |
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| on (mm/dd/yyyy): | at (time): | At (place): | | | | | | | | | | | | | | | | | | | |
| 08/29/2007 | 9:00 am | 160 East 300 South - Conference Room 474 - Salt Lake City, Utah | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | |
| 13. | This rule change may become effective on (mm/dd/yyyy): | | 09/07/2007 | | | | | | | | | | | | | | | | | | |

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| | NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | | |
| 14. | Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")): | | |
| | contractors | occupational licensing | |
| | licensing | | |
| 15. | Attach an RTF document containing the text of this rule change (filename): | | R156-55a.pro |
| To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date. | | | |
| AGENCY AUTHORIZATION | | | |
| Agency head or designee, and title: | | F. David Stanley, Director | Date (mm/dd/yyyy): 07/05/2007 |

Attachment to R156-55a - Box 6 - Summary of the rule change:

S221 Cabinet, Millwork and Countertop Installation Contractor. This license classification used to be titled Cabinet and Millwork Installation Contractor. The change in language means all countertops can be installed under a single license. It would no longer matter if the countertop is made of Formica, Corian, granite, terrazzo, cement or some other substance.

S230 Siding Contractor. This license classification used to be titled Metal and Vinyl Siding Contractor. This change in language allows for the installation of other types of siding.

S270 General Drywall and Plastering Contractor. This license classification used to be titled General Drywall, Stucco and Plastering Contractor. Stucco has been eliminated from this license classification and a new S600 General Stucco Contractor license classification created.

S280 General Roofing Contractor. The installation of the roof clamp ring to the roof drain would be included as incidental work. Technically the roof clamp ring is a plumbing fixture and without this change would require installation by a plumber. This work, however, is mostly done by the roofing contractor and this change merely reflects what is occurring in the construction industry.

S290 General Masonry Contractor, S291 Stone Masonry Contractor, S292 Terrazzo Contractor, S293 Marble, Tile and Ceramic Contractor and S294 Cultured Marble Contractor. Incidental work for these classifications would include the installation of shower pans. Technically the shower pan is a plumbing fixture and without this change would require installation by a plumber. This work, however, is mostly done by the above mentioned contractors and this change merely reflects what is occurring in the construction industry.

S330 Landscaping Contractor. Language has been changed in this license classification to clarify pools, tanks and fountains are to be small and decorative and that incidental work, when a part of the prime contract, only applies to patio areas.

S380 Swimming Pool and Spa Contractor. The term "prefabrication pools" has been included in the language of this license classification.

S420 General Fencing, Ornamental Iron and Guardrail Contractor. This license classification used to be titled General Fencing and Guardrail Contractor. Language added to this classification includes ornamental iron and handrails. This change reflects current practice.

Section 302b - Experience Requirements: Added under paragraph (3) the S220 Carpentry license classification. This would increase the work experience requirement for the S220 classification from two years to four years. Paragraph (5) outlines qualifications for certain construction trades and is changed to read "Except as set forth in paragraph (6)." Paragraph (6) is a new paragraph which requires a current certificate from the North American Board of Certified Energy Practitioners to be licensed as an S202 Solar Photovoltaic Contractor.

Section 303a - Renewal Cycle/Procedures: In paragraph (3)(b), the word "professional" has been added to be consistent with Subsection 58-55-501(21) and to clarify the type of continuing education required.

Section 306a - Financial Responsibility/Questionnaire and Aggregate Bonding Limit. This section is seldom used and is being deleted in its entirety.

Section 306b - Financial Responsibility/Division Audit/Financial Statements - This section is being renumbered to 306 since Section 306a is being deleted.

Section 308b - Natural Gas Technician Certification. The words "maintenance" and "cleaning" were added to this section to be consistent with Subsection 58-55-308(2) (a).

Section 311 - Reorganization of Contractor Business Entity. Added "or conversion" with respect to a reorganization of a contractor business entity.

Section 312 - Inactive License. This section pertains to inactive licenses and was somewhat conflicting with Section R156-55a-302b with respect to a licensee's work experience requirements. Presently, the reactivation of an inactive license after two years, except in certain situations, requires the retaking of trade tests. The paragraphs that refer to testing have been eliminated and replaced with "No license shall be in an inactive status for more than six years" and "prior to a license being activated, a licensee shall meet the requirements of renewal."

Section 501 - Unprofessional Conduct. Added paragraph (3) which makes it unprofessional conduct to not provide, upon request by the division, proof of insurance coverage within thirty days. Too often contractors have had insurance in place, but have not provided it to the Division until formal action has been taken and an administrative hearing has been scheduled. It is surmised this provision of the rule would rarely be used. However, it would be a useful tool in preventing this type of behavior.

Section 503 - Administrative Penalties. Administrative citation authority was granted by the 2007 Legislature this year, under Subsection 58-55-504(2), for crane operators that operate a crane without proper certification. This violation has been added to the fine schedule. Also, to be in compliance with the code the following language has been added under THIRD OFFENSE: "with a maximum amount not to exceed the maximum fine allowed under Subsection 58-55-503(4) (h)."

R156. Commerce, Occupational and Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule[s].

R156-55a-101. Title.

Th[ese]is rule[s] shall be known as the "Utah Construction Trades Licensing Act Rule[s]".

R156-55a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as defined or used in th[ese]is rule[s]:

(1) "Employee", as used in Subsections 58-55-102([10]12) (a) and 58-55-102([12]14), means a person providing labor services in the construction trades who works for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the division, for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

(2) "Incidental~~[-to the performance of his licensed craft or trade]~~", as used in Subsection 58-55-102([32]35), means work which:

(a) can be safely and competently performed by the specialty contractor; and

(b) arises from and is directly related to work performed in the licensed specialty classification[+] and does not exceed 10 percent of the overall contract.[

~~----- (c) is substantially less in scope and magnitude when compared to the work performed or to be performed by the specialty contractor in the licensed specialty classification.]~~

(3) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

(4) "Mechanical", as used in Subsections 58-55-102([15]18) and 58-55-102([25]28), means the work which may be performed by a S350 HVAC Contractor under S[ubs]ection R156-55a-301[(-3)].

(5) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.

(6) "School" means a Utah school district, applied technology college, or accredited college.

(7) "Unprofessional conduct" defined in Title 58, Chapters 1 and 55, is further defined in accordance with S[ubs]ection 58-1-203[(-5)] in Section R156-55a-501.

R156-55a-103. Authority.

Th[ese]is rule[s-are]is adopted by the division under the authority of Subsection 58-1-106(1) (a) to enable the division to

administer Title 58, Chapter 55.

R156-55a-301. License Classifications - Scope of Practice.

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is practicing a construction trade or specialty contractor classification which is not listed is exempt from licensure in accordance with Subsection 58-55-305([9]1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(19).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(18).

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 58-56-3(11) and constructed in accordance with Section 58-56-13. The scope of the work permitted under this classification includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing the units together if required and securing the modular units to the foundations. Work excluded from this classification includes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(28).

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$[25,000]50,000 in total cost.

R200 - Factory Built Housing [~~Set Up~~]Contractor. [~~Set up~~]Disconnection, setup, [or]installation or removal of manufactured housing on a temporary or permanent basis. The scope of the work permitted under this classification includes placement of the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and

connection of the utilities from the near proximity, such as a meter, to the manufactured housing unit and construction of foundations of less than four feet six inches in height. Work excluded from this classification includes site preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling and grading around the foundation, construction of foundations of more than four feet six inches in height and construction of utility services from the utility source to and including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instructor. A General Engineering Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(19).

I102 - General Building Trades Instructor. A General Building Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsections 58-55-102(18) or 58-55-102(28).

I103 - Electrical Trades Instructor. An Electrical Trades Instructor is a construction trades instructor authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(S200).

I104 - Plumbing Trades Instructor. A Plumbing Trades Instructor is a construction trades instructor authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(S210).

I105 - Mechanical Trades Instructor. A Mechanical Trades Instructor is a construction trades instructor authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy.

S201 - Residential Electrical Contractor. Fabrication, construction, and/or installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances and fixtures in any residential unit, normally requiring non-metallic sheathed cable, including multiple units up to and including a four-plex, but excluding any work generally recognized in the industry as commercial or industrial.

S202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline.

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto.

S212 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution system for artificial watering or irrigation.

S213 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work.

S214 - Water Conditioning and Potable Water Heater Equipment Contractor. ~~[Fabrication and/or i]~~Installation of water conditioning equipment, potable water heaters, and all piping and venting directly associated with the installation of the equipment~~[-and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises].~~

S215 - Solar ~~[Energy]~~Thermal Systems Contractor. ~~[Fabrication and/or]~~Construction, repair and/or installation of solar [energy]thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.

S216 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading

related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S217 - Residential Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in residential building, including multiple units up to and including a four-plex by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting and heating purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a residential building out to the main water, sewer or gas pipeline. Excluded is any new construction and service work generally recognized in the industry as commercial or industrial.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal studs, vinyl materials, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry.

S221 - Cabinet, ~~[and]~~ Millwork and Countertop Installation Contractor. On-site construction and/or installation of milled wood products or countertops.

S222 - Overhead and Garage Door Contractor. The installation of overhead and garage doors and door openers.

S230 - ~~[Metal and Vinyl]~~ Siding Contractor. Fabrication, construction, and/or installation of ~~[wood, aluminum, steel or vinyl]~~ siding[s].

S231 - Raingutter Installation Contractor. On-site fabrication and/or installation of raingutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, mirrors, substitutes for glass, glass-holding members, frames, hardware, and other incidental related work.

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control or fireproofing, but shall not include mechanical insulation of pipes, ducts or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, and/or installation of concrete and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, placing and erection of steel bars for reinforcing and

application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

S262 - Gunnite and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall~~[, Stucco]~~ and Plastering Contractor. Fabrication, construction, and~~[or]~~ installation of drywall, gypsum, wallboard panels and assemblies. Preparation of drywall~~[, stucco]~~ or plaster surfaces for suitable painting or finishing.~~[Installation of light-weight metal, non-bearing wall partitions, ceiling grid systems, and ceiling tile or panel systems]~~Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base. This does not include applying stucco to lathe, plaster and other surfaces. Exempted is the plastering of foundations.[

~~S271 - Plastering and Stucco Contractor. Application to surfaces of coatings made of stucco or plaster, including the preparation of the surface and the provision of a base. Exempted is the plastering of foundations.]~~

S272 - Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.[

~~S274 - Drywall Contractor. Fabrication, construction and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of lightweight metal, non-bearing wall partitions.]~~

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of any thereof which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs

and surfaces; and roof conversion. Incidental work includes the installation of roof clamp ring to the roof drain.]

~~S281 - Single Ply and Specialty Coating Contractor. Application of solutions of rubber, latex, or other materials or single-ply material to surfaces to prevent, hold, keep, and stop water, other liquids, derivatives, compounds, and solids from penetrating and passing such materials thereby gaining access to material or space beyond such waterproofing.~~

~~S282 - Build-up Roofing Contractor. Application of solutions of rubber, latex, asphalt, pitch, tar, or other materials in conjunction with the application of layers, felt, or other material to a roof or other surface.~~

~~S283 - Shingle and Shake Roofing Contractor. Application of shingles and shakes made of wood or any other material.~~

~~S284 - Tile Roofing Contractor. Application or installation of tile roofs including under layment material and sealing and reinforcement of weight bearing roof structures for the purpose of supporting the weight of the tile.~~

~~S285 - Metal Roofing Contractor. On-site fabrication and/or application of metal roofing materials.]~~

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes the installation of shower pans.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice,

corian, and corian type products. Incidental work includes the installation of shower pans.

S300 - General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor. Grading and preparing land for architectural, horticultural, and the decorative treatment, arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, and other decorative vegetation. Construction of small decorative pools, tanks, and fountains. ~~[, hot and green houses]~~ Hothouses and greenhouses, retaining walls, ~~[patio areas when they are an incidental part of the prime contract,]~~ fences, walks, garden lighting of 50 volts or less, and sprinkler systems. Patio areas when they are an incidental part of the prime contract.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters, flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems.

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system.

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment including, but not limited to, built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto; but, the scope of permitted work does not include the installation of gas fuel or electric power services other than connection of electrical devices to a junction box provided for that device and electrical control circuitry not exceeding 50 volts.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed journeyman plumber. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. On-site fabrication, construction and installation of swimming pools, prefabricated pools, spas, and tubs.

S390 - Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, which will include but will not be limited to, asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. Also included is the excavation, grading, compacting and laying of fill or base-related thereto.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, data or communications. Included are the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

S420 - General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions. Signs and graphic displays shall include signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or his product, building trim or lighting with neon or decorative fixtures, or any other animated, moving or stationary device used for advertising or identification purposes. Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code.

S441 - Non Electrical Outdoor Advertising Sign Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. Signs and graphics shall include outdoor advertising signs which do not have electrical lighting or other electrical requirements, and in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures so that alterations, additions, repairs, and new sub-structures may be built.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. The excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to

sustain or transmit the structural load to the soil or rock below.

S490 - Wood Flooring Contractor. Installation of wood flooring including prefinished and unfinished material, sanding, staining and finishing of new and existing wood flooring. Underlayments, non-structural subfloors and other incidental related work.

S491 - Laminate Floor Installation Contractor. Installation of laminate floors including underlayments, non-structural subfloors and other incidental related work, but does not include the installation of solid wood flooring.

S500 - Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including but not limited to tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes nonstructural floor subsurfaces, nonstructural wall surfaces, perimeter walls and perimeter fencing.

S600 - General Stucco Contractor. Applying stucco to lathe, plaster and other surfaces.

S700 - Specialty License Contractor.

(a) A specialty license is a license that confines the scope of the allowable contracting work to a specialized area of construction which the division grants on a case-by-case basis.

(b) When applying for a specialty license, an applicant, if requested, shall submit to the division the following:

(i) a detailed statement of the type and scope of contracting work that the applicant proposes to perform; and

(ii) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.

(c) A contractor issued a specialty license shall confine the contractor's activities to the field and scope of operations as outlined by the division.

(3)(a) Any person holding a S215 Solar Systems Contractor license before the effective date of this rule may obtain a S202 Solar Photovoltaic Contractor license by submitting an affidavit demonstrating two years of experience that meets the requirements of R156-55a-302b no later than March 31, 2010.

(b) Any person holding a S271 Plastering and Stucco Contractor license before the effective ate of this rule shall be issued a S270 General Drywall and Plastering Contractor license.

(c) Any person holding a S274 Drywall Contractor license before the effective ate of this rule shall be issued a S270 General Drywall and Plastering Contractor license.

(d) Any person holding a S271 Plastering and Stucco

Contractor license or an S270 General Drywall, Stucco and Plastering Contractor license before the effective date of this rule may obtain a S600 General Stucco Contractor license by submitting an affidavit demonstrating two years of experience that meets the requirements of R156-55a-302b no later than March 31, 2010.

(e) Any person holding any of the following licenses before the effective date of this rule shall be issued a S280 General Roofing Contractor license:

- (i) S281 Single Ply and Specialty Coating Contractor;
- (ii) S282 Build-up Roofing Contractor;
- (iii) S283 Shingle and Shake Roofing Contractor;
- (iv) S284 Tile Roofing Contractor; and
- (v) S285 Metal Roofing Contractor.

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirements are established as follows:

(1) Requirements for all license classifications:

(a) All experience shall be directly supervised by the applicant's employer.

(b) All experience shall be directly related to the scope of practice set forth in Section R156-55a-301 of the classification the applicant is applying for, as determined by the Division.

(c) One year of work experience means 2000 hours.

(d) No more than 2000 hours of experience during any 12 month period may be claimed.

(e) Except as described in paragraph (2)(c), experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.

(2) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:

(a) In addition to the requirements of paragraph (1), an applicant for an R100, B100 or E100 license shall have within the past 10 years a minimum of four years experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(b) Two of the required four years of experience shall be in a supervisory or managerial position.

(c) A person holding a four year bachelors degree or a two year associates degree in Construction Management may have one

year of experience credited towards the supervisory or managerial experience requirement.

(3) Requirements for S220 Carpentry, S280 General Roofing, S290 General Masonry, S320 Steel Erection, S350 Heating Ventilating and Air Conditioning, S360 Refrigeration and S370 Fire Suppression Systems license classifications:

In addition to the requirements of paragraph (1), an applicant shall have within the past 10 years a minimum of four years of experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(4) Requirements for I101 General Engineering Trades Instructor, I102 General Building Trades Instructor, I103 Electrical Trades Instructor, I104 Plumbing Trades Instructor, I105 Mechanical Trades Instructor license classifications:

An applicant for construction trades instructor license shall have the same experience that is required for the license classifications for the construction trade they will instruct.

(5) Requirements for other license classifications:

~~[In]~~ Except as set forth in paragraph (6), in addition to the requirements of paragraph (1), an applicant for contractor license classification not listed above shall have within the past 10 years a minimum of two years of experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(6) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of paragraphs (1) and (5), an applicant shall hold a current certificate by the North American Board of Certified Energy Practitioners.

R156-55a-303a. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308a.

(3) In accordance with Subsections 58-55-501(21) and 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee, or the licensee's qualifier, or an officer, director or supervising individual, as designated by the licensee, shall comply with the following continuing education requirements:

(a) complete three hours of core continuing education; and

(b) an additional three hours of professional continuing education.

[

~~R156-55a-306a. Financial Responsibility - Questionnaire and Aggregate Bonding Limit.~~

~~In accordance with Section 58-55-306, the following shall apply:~~

~~(1) An applicant may demonstrate financial responsibility by either submitting the questionnaire or by submitting proof of an aggregate bonding limit in a form acceptable to the division.~~

~~(2) Under no circumstances shall the aggregate bonding limit be less than \$25,000.]~~

R156-55a-306[b]. Financial Responsibility - Division Audit - Financial Statements.

In accordance with Section 58-55-306, the following shall apply:

(1) All financial statements shall cover a period of time ending no earlier than the last tax year.

(2) Financial statements prepared by an independent certified public accountant (CPA) shall be "audited", "reviewed", or "compiled" financial statements prepared in accordance with generally accepted accounting principles and shall include the CPA's report stating that the statements have been audited, reviewed or compiled.

(3) Division reviewed financial statements shall be submitted in a form acceptable to the division and shall include the following:

(a) the balance sheet;

(b) all schedules;

(c) a complete copy of the applicant's most recently filed federal income tax return;

(d) a copy of the applicant's bank or broker account statements; and

(e) an acceptable credit report for the applicant.

(4) An acceptable credit report is:

(a) dated within 30 days prior to the date the application is received by the division;

(b) free from erasures, alterations, modifications, omissions, or any other form of change which alters the full and complete information provided by the credit reporting agency;

(c) a report from:

(i) Trans Union, Experian, and Equifax national credit reporting agencies; or

(ii) National Association of Credit Managers (NACM); or

(iii) another local credit reporting agency that includes a report for each of the three national credit reporting agencies names in Subsection (i) above.

R156-55a-308b. Natural Gas Technician Certification.

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modifications, maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

- (a) general gas appliance installation codes;
- (b) venting requirements;
- (c) combustion air requirements;
- (d) gas line sizing codes;
- (e) gas line approved materials requirements;
- (f) gas line installation codes; and
- (g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

- (a) Federal Bureau of Apprenticeship Training;
- (b) Utah college apprenticeship program; and
- (c) Trade union apprenticeship program.

(4) In accordance with Subsection 58-55-308[~~(2)(e)~~](3), the approved programs set forth in paragraphs (2)(b) and (2)(c) herein shall require program participants to pass the Rocky Mountain Gas Association Gas Appliance Installers Certification Exam or approved equivalent exams established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308[~~(2)(e)~~](3), a person who has not completed an approved training program, but has passed the Rocky Mountain Gas Association Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

(6) Content of certificates of completion. An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

- (a) name of the program provider;
- (b) name of the approved program;
- (c) name of the certificate holder;
- (d) the date the certification was completed; and
- (e) signature of an authorized representative of the program provider.

(7) Documentation of exemption from certification. The following shall constitute documentation of exemption from certification:

- (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;

- (b) current Utah licensed Journeyman or Residential Journeyman plumber license; or

- (c) certification from the Rocky Mountain Gas Association or approved equivalent exam which shall include the following:

- (i) name of the association, school, union, or other organization who administered the exam;

- (ii) name of the person who passed the exam;

- (iii) name of the exam;

- (iv) the date the exam was passed; and

- (v) signature of an authorized representative of the test administrator.

(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

R156-55a-311. Reorganization of Contractor Business Entity.

A reorganization of the business organization or entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity or conversion constitutes a reorganization and includes a change to a new entity under the same form of business entity or a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation or any other business form.

R156-55a-312. Inactive License.

(1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the licensee will not engage in the construction trade(s) for which his license was issued while his license is on inactive status except to identify himself as an inactive licensee.

(2) A license on inactive status will not be required to meet the requirements of licensure in Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b).

(3) The requirements for reactivation of an inactive license specified in Subsection R156-1-305(6) shall also include:

(a) documentation that the licensee meets the requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b); and

(b) documentation that the licensee has taken and passed the business and law examination and the trade examination for the classification for which activation is sought except that the following exceptions shall apply to the reactivation examination requirement:

(i) ~~[No qualifying examinations will be required if the licensee applies for reactivation of his license within two years after being placed on inactive status.]~~ No license shall be in an inactive status for more than six years.

(ii) Prior to a license being activated, a licensee shall meet the requirements of renewal. ~~[No qualifying examinations will be required if the licensee has been actively and lawfully involved in the construction trades as an employee of another licensed contractor or has been actively and lawfully involved in the construction trades in another state during the time the license was inactive.]~~

~~—— (iii) If the licensee applies for reactivation after two years but before four years after being placed on inactive status, the division may waive the qualifying examinations if the licensee presents adequate support that he has maintained the knowledge and skills tested in the business and law examination and the trade examination in the classification for which reactivation of licensure is sought.~~

~~—— (iv) If the licensee applies for reactivation four years or more after being placed on inactive status, the division may waive the trade examination in the classification for which reactivation of licensure is sought, if the licensee presents adequate support that he has maintained the knowledge and skills tested in the trade examination.]~~

R156-55a-401. Minimum Penalty for Failure to Maintain Insurance.

(1) A minimum penalty is hereby established for the violation of Subsection R156-55a-501(2) as follows:

(a) For a violation the duration of which is less than 90 days, where the licensee at the time a penalty is imposed documents that the required liability and workers compensation insurance have been reacquired, and provided an insurable loss has not occurred while not insured, a minimum of a 30 day suspension of licensure, stayed indefinitely, automatically

executable in addition to any other sanction imposed, upon any subsequent violations of Subsection R156-55a-501(2).

(b) For a violation the duration of which is 90 days or longer, or where insurable loss has occurred, where the licensee at the time a penalty is imposed documents that the required insurance have been reacquired, a minimum of 30 days suspension of licensure.

(c) For a violation of any duration, where the licensee at the time a penalty is imposed fails to document that the required insurance have been reacquired, a minimum of indefinite suspension. A license which is placed on indefinite suspension may not be reinstated any earlier than 30 days after the licensee documents the required insurance have been reacquired.

(d) If insurable loss has occurred and licensee has not paid the damages, the license may be suspended indefinitely until such loss is paid by the licensee.

(e) Nothing in this section shall be construed to restrict a presiding officer from imposing more than the minimum penalty for a violation of Subsection R156-55a-501(2) and (3). However, absent extraordinary cause, the presiding officer may not impose less than the minimum penalty.

R156-55a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to notify the division with respect to any matter for which notification is required under ~~th[ese]~~is rule[§] or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the division and the board as grounds for immediate suspension of the contractors license;

(2) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2), in coverage amounts and form as implemented by this chapter; and

(3) failing, upon request by the division, to provide proof of insurance coverage within 30 days.

R156-55a-503. Administrative Penalties.

(1) In accordance with Subsection 58-55-503, the following fine schedule shall apply to citations issued under Title 58, Chapter 55:

TABLE

FINE SCHEDULE

FIRST OFFENSE

| Violation | All Licenses Except Electrical or Plumbing | Electrical or Plumbing |
|---------------|---|---------------------------|
| 58-55-308(2) | \$ 500.00 | N/A |
| 58-55-501(1) | \$ 500.00 | \$ 500.00 |
| 58-55-501(2) | \$ 500.00 | \$ 800.00 |
| 58-55-501(3) | \$ 800.00 | \$1,000.00 |
| 58-55-501(9) | \$ 500.00 | \$ 500.00 |
| 58-55-501(10) | \$ 800.00 | \$1,000.00 |
| 58-55-501(12) | N/A | \$ 500.00 |
| 58-55-501(14) | \$ 500.00 | N/A |
| 58-55-501(19) | \$ 500.00 | N/A |
| 58-55-501(21) | \$ 500.00 | \$ 500.00 |
| 58-55-504(2) | \$ 500.00 | N/A |

SECOND OFFENSE

| | | |
|---------------|------------|------------|
| 58-55-308(2) | \$1,000.00 | N/A |
| 58-55-501(1) | \$1,000.00 | \$1,500.00 |
| 58-55-501(2) | \$1,000.00 | \$1,500.00 |
| 58-55-501(3) | \$1,600.00 | \$2,000.00 |
| 58-55-501(9) | \$1,000.00 | \$1,000.00 |
| 58-55-501(10) | \$1,600.00 | \$2,000.00 |
| 58-55-501(12) | N/A | \$1,000.00 |
| 58-55-501(14) | \$1,000.00 | N/A |
| 58-55-501(19) | \$1,000.00 | N/A |
| 58-55-501(21) | \$1,000.00 | \$1,000.00 |
| 58-55-504(2) | \$1,000.00 | N/A |

THIRD OFFENSE

Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-55-503(4)(h).

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine

amount imposed by an investigator based upon the evidence reviewed.

KEY: contractors, occupational licensing, licensing

**Date of Enactment or Last Substantive Amendment: [~~December 19,~~
~~2005]~~2007**

Notice of Continuation: November 8, 2006

**Authorizing, and Implemented or Interpreted Law: 58-1-
106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1); 58-55-
102(35); 58-55-501(21)**